

## Message Text

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41

ORIGIN L-03

INFO OCT-01 AF-10 ADP-00 AID-20 EB-11 AGR-20 IGA-02 RSC-01

/068 R

DRAFTED BY L/ T: UMMCQUADE: EEC

4-12-73 EXT 21075

APPROVED BY L/ T: CIBEVANS

GC/ TA - MR. RICHSTEIN

L/ AF - MR. HUFFMAN

AF/ C - MR. COHEN

FFP/ FRD ( INFO)

----- 053105

R 121624 Z APR 73

FM SECSTATE WASHDC

TO AMEMBASSY KINSHASA

C O N F I D E N T I A L STATE 068182

E. O. 11652: GDS

TAGS: EAID

SUBJECT: PL-480 AGREEMENT SIGNED MARCH 14, 1973

REFS: ( A) KINSHASA A-59, ( B) AID- TO A-07

1. SUBJECT AGREEMENT TRANSMITTED REF A CONCLUDED BETWEEN USA AND " THE NATIONAL EXECUTIVE COUNCIL OF REPUBLIC OF ZAIRE" IS CONTRARY TO NEGOTIATING INSTRUCTION REF B WHICH SPECIFIED THAT THE AGREEMENT SHALL BE " BETWEEN THE GOVERNMENT OF THE USA AND THE GOVERNMENT OF THE REPUBLIC OF ZAIRE". PARA 2 OF REF B STATES " THE FINAL SIGNED AGREEMENT SHOULD BE IDENTICAL TO THE ENCLOSURE ( DRAFT AGREEMENT), EXCEPT WHERE MODIFIED DURING THE COURSE OF NEGOTIATIONS BY CHANGES AUTHORIZED BY WASHINGTON."

2. EMBASSY REQUESTED TO HAVE PAGES 1 AND 5 OF ENGLISH TEXT OF AGREEMENT RETYPED, REPLACING " NATIONAL EXECUTIVE COUNCIL" IN TITLE, IN PARA IMMEDIATELY FOLLOWING AND IN SIGNATURE LINE WITH " GOVERNMENT" IN EACH INSTANCE. EMBASSY SHOULD REQUEST PAGES 1 AND 4 OF FRENCH TEXT BE  
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RETYPE TO CORRESPOND. ADDITIONALLY, US SIGNATURE LINE IN FRENCH TEXT SHOULD CORRESPOND WITH ENGLISH TEXT. AS SOON AS PAGES RETYPE EMBASSY SHOULD ARRANGE FOR SIGNATURE OF THE AGREEMENT, WHICH SHOULD RETAIN SAME DATE OF MARCH 14, 1973.

3. IMMEDIATELY UPON SIGNATURE, EMBASSY SHOULD NOTIFY DEPT BY TELEGRAM AND TRANSMIT ORIGINALS OF RETYPE PAGES OF BOTH TEXTS TO DEPT ATTENTION ASSISTANT LEGAL ADVISER FOR TREATY AFFAIRS.

4. FYI DEPT APPRECIATES GOZ POSITION ON THIS MATTER AND EMBASSY EFFORTS TO COMPLETE THE AGREEMENT ACCOMMODATE THAT POSITION. NEVERTHELESS, THE DEPT FIRMLY ADHERES TO THE PRINCIPLE THAT THE US CONCLUDE TREATIES OR OTHER INTERNATIONAL AGREEMENTS WITH OTHER GOVERNMENTS, NOT WITH DISTINCT INDIVIDUALS OR GOVERNING ORGANS OF OTHER GOVERNMENTS. ANY DEVIATION FROM THIS POSITION BY USG COULD CAUSE EMBARRASSMENT IN USG RELATIONS WITH OTHER NATIONS WITH RESPECT TO WHICH WE HAVE CONSISTENTLY MAINTAINED THIS POSITION. FOR EXAMPLE, IN 1964, EARLY IN THE NEGOTIATIONS OF THE RECENTLY CONCLUDED CONSULAR CONVENTION WITH POLAND, A DISAGREEMENT DEVELOPED ON JUST THIS ISSUE. THE POLES INSISTED THAT THE CONSULAR CONVENTION BE BETWEEN "THE COUNCIL OF STATE OF THE POLISH PEOPLE'S REPUBLIC" AND THE PRESIDENT OF THE UNITED STATES. THIS MATTER WAS NEGOTIATED FOR NEARLY A YEAR BEFORE BEING RESOLVED IN FAVOR OF THE USG POSITION. END FYI.

5. AIRGRAM TO FOLLOW REGARDING EMBASSY LETTER TO GOZ COVERING BASIC NEGOTIATING POINTS. ROGERS

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\*\*\* Current Handling Restrictions \*\*\* n/a

\*\*\* Current Classification \*\*\* CONFIDENTIAL

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 12 APR 1973  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** golinofr  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
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**Disposition History:** n/a  
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**Review Authority:** golinofr  
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**Secure:** OPEN  
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**Subject:** PL-480 AGREEMENT SIGNED MARCH 14, 1973  
**TAGS:** EAID  
**To:** KINSHASA  
**Type:** TE  
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